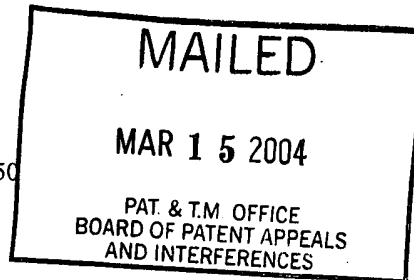


The opinion in support of the decision being
entered today is not binding precedent of the Board.

Filed by:

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Paper **27**

Filed
15 March 2004

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

(Administrative Patent Judge Sally Gardner Lane)

STEVEN L. STICE, JOSE CIBELLI, JAMES ROBL,
PAUL GOLUEKE, F.ABEL PONCE de LEON,
and D. JOSEPH JERRY,

Junior Party,
(Patent 5,945,577),

v.

KEITH HENRY STOCKMAN CAMPBELL
and IAN WILMUT,

Senior Party,
(Application 09/650,194).

Patent Interference No. 104,746

Redeclaration

A decision on preliminary motions has been entered. (Paper 80). Pursuant to the decision, the interference is redeclared to reflect the grant of Campbell preliminary motion 2 and to substitute Counts 4 through 6, which reflect the grant of Campbell preliminary motion 3 and which correct an error in Counts 1 through 3, for Counts 1 through 3. Counts 4 through 6 differ from Counts 1 through 3 in that:

(1) Counts 4 through 6 do not include any of the claims that are unpatentable to Stice, and

(2) Counts 4 through 6 refer to Campbell's involved '194 application rather than Campbell's priority benefit application 08/803,165.

Each party will be given an opportunity to file a new preliminary statement in view of the count substitutions. However, as Counts 4 through 6 are narrower in scope than Counts 1 through 3, no party shall allege dates earlier than the dates contained in the preliminary statement it has already filed. For example, no party shall allege a date of conception that is earlier than the date of conception that was alleged in its previously filed preliminary statement, no party shall allege a date of actual reduction to practice earlier than the date of actual reduction to practice that was alleged in its previously filed preliminary statement, and so on.

Upon consideration of the record and for reasons given, it is

ORDERED that the interference is redeclared to the following extent:

Counts 4 through 6, which follow, are substituted for Counts 1 through 3;

Count 4

A method according to claim 19 or claim 23 of Campbell application 08/650,194.

Count 5

A method according to claim 27 or claim 31 of Campbell application 08/650,194.

Count 6

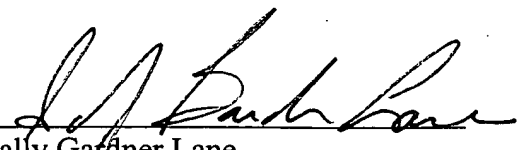
A method according to claim 35, claim 39, claim 43, or claim 47 of Campbell application 08/650,194, where the "non-human mammal" is a pig or porcine and where the "non-human mammalian fetus" is a pig fetus or a porcine fetus

FURTHER ORDERED that the parties are accorded the same priority benefit for Counts 4 through 6 as they were accorded for Counts 1 through 3 except that Campbell is accorded priority benefit of the following application for Counts 4 through 6:

GB 9517779.6 (Exh. 1003) ("the GB application"), filed 31 August 1995

FURTHER ORDERED that on or before **29 March 2004**, as to each of Counts 4 through 6, each party shall either: (1) file a statement that it is relying upon its previously filed preliminary statement or (2) file a new preliminary statement; and

FURTHER ORDERED that if a party files a new preliminary statement, the statement shall not allege dates earlier than the dates alleged in its previously filed preliminary statement.


Sally Gardner Lane
Administrative Patent Judge

15 March 2004
Arlington, VA

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